

III. REMARKS

This amendment is being submitted in response to the Office Action dated March 31, 2003. Claims 1, 4-10, and 12-13 have been amended to address certain inconsistencies and/or to better define the invention, but not for reasons of patentability under 35 U.S.C. §102 or §103. Claims 2-3, 11, and 14-19 have been cancelled without prejudice. Applicant respectfully requests reconsideration of claims 1, 4-10, and 12-3 in light of the amendments and remarks made herein.

Drawings

According to the Office Action, the drawings were objected to for not showing a claimed feature of the Applicant's invention; therefore, the claim in question, claim 19 has been cancelled making any correction to the drawings unnecessary.

35 U.S.C. § 102(b)

The Office Action also indicated that claims 1-5, 8-9, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jepson (US 2,864,504). Additionally, claims 1-16 and claim 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox (US 865,691).

The Applicant wishes initially to indicate that the claims have been amended to correct the antecedent basis issues pointed out by the Examiner. Claim 1 has also been amended to further define the invention and emphasize certain claimed structural features. In particular, the following language has been added or modified: “a plurality of baffles attached to, or formed integrally with one side of said filter component for reducing the motion of said fluid around and through said filter assembly, and wherein said baffles substantially traverse the length and width of said filter component at right angles to said filter component” to emphasize the structural characteristics of the baffles that are attached to the underside of the filter component. Webster's Ninth New Collegiate Dictionary defines a “baffle” as a “a device (as a plate, wall, or screen) to deflect, check, or regulate flow (as of a fluid...)” As indicated in the claim as originally drafted and filed, the purpose of the baffles in the Applicant's invention is “for reducing the motion of said fluid around and through said filter assembly.” Thus, this is a specific structure or group of structures that serve to minimize the flow of dirty water around and through the filter assembly.

In the Office Action, the Examiner indicated that Jepson teaches baffles in the form of cross bars 28 and radially inward extended flanges 30. The Applicant argues that these structures could not function as baffles because (i) the cross bars 28 have very little height and are merely support structures, and (ii) the flanges 30 are merely small “locating tabs” that permit proper placement of the filter. Likewise, the gratings *l* and deflector *m* taught by Fox do not and could not function as baffles such as those taught by the Applicant. The gratings form part of *l* and are not attached to its underside, and the deflector *m* actually serves to distribute water evenly over the disk (see Col. 1, lines 46-56) rather than minimize water flow. Anticipation requires the disclosure of each element of the claimed invention arranged as required by the claim (see MPEP 2131). Clearly, neither Jepson nor Fox teaches baffles such as those taught by the Applicant, thus given the amendments to claim 1 and the arguments presented above, Applicant believes this claim defines patentably over the prior art and respectfully requests reconsideration of the rejection. The amendments to Claim 1 have been made to be consistent with the application and no new matter has been added to the amended claim.

Claims 2 and 3 depend from claim 1 and have been cancelled without prejudice. Claim 4 also depends from claim 1 and has been amended for consistency with the cancellation of claims 2 and 3. Given the amendments to claim 1, Applicant believes claim 4 now defines patentably over both Jepson and Fox. Claim 5 also depends from claim 1 and has been amended to include the following limitation: “and wherein said aperture is of sufficient size to accommodate a human finger or thumb.” Paragraph 21 of the Detailed Description of Applicant’s application supports the inclusion of this limitation in amended claim 5. The apertures taught by Jepson (22a) and Fox are too small to accommodate a human digit and are not intended for that purpose, thus the Applicant asserts that claim 5 defines patentably over Jepson with the addition of this limitation as well as the amendments to claim 1. Claim 6 has been amended to better define the invention, and Claim 7 has been amended to include the limitation that the topmost edges of the filter’s crossbars are tapered (not the bottom edges as in Fox). Thus, given these amendments and the amendments to claim 1, claim 6 and 7 are believed to define patentably over the prior art. These amendments have been made to be consistent with the application and no new matter has been added to the amended claims

Claim 8 has been amended to include the language added to amended claim 1 to better define the claimed invention and the baffle structures in particular. The same reasoning applies to the baffles claimed in amended claim 8 as to those in amended claim 1. Neither Jepson nor Fox teaches these baffle structures, thus neither reference anticipates claim 8. Claim 9 has been amended to include the same limitation as that in amended claim 5 concerning the apertures in the filter which serve as finger holes or grips; thus, the same argument (stated above for claim 5) applies for claim 9 regarding the apertures taught by Jepson and Fox. Claim 10 has been amended to better define the invention, and given the amendments to claim 8 is believed to define patentably over the prior art. Claim 11 depends from claim 8 and has been cancelled without prejudice. Claim 12 also depends from claim 8 and has been amended to include the limitation that the topmost edges of the filter's crossbars are tapered (not the bottom edges as in Fox) and claim 13 has been amended to include the limitation of cancelled claim 17. These amendments have been made to be consistent with the application and no new matter has been added to the amended claims.

Applicant respectfully traverses the Examiner's rejection of claim 13. Claim 13 is directed toward an embodiment of the Applicant's invention wherein the filter assembly and the receptacle have been fabricated from a single piece of plastic by means of injection molding or a similar modern manufacturing process. The Applicant's invention has few parts, moving or otherwise and in this embodiment it is essentially an article of manufacture, not a mechanical device. The filter devices taught by Jepson and Fox are complex mechanical devices with many interrelated parts. These devices are too complex to be compatible with modern tooling processes of the type contemplated by claim 13 and the various components could not realistically be fused together. Nothing in either reference, including the Figures, teaches or otherwise indicates that the devices taught by Jepson and Fox are or even could be made as fully integrated, single-piece, prefabricated units. In all likelihood, these prior art filters would be unserviceable if they were made inseparable from their receptacles. Therefore, the Applicant respectfully requests reconsideration of the rejection of claim 13.

Claims 14-16 and claims 18-19 have been cancelled without prejudice, thereby rendering moot the rejection of these claims by the Examiner.

35 U.S.C. §103(a)

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fox in view of Muto. The Applicant believes that this rejection is rendered moot by the cancellation of claim 17 without prejudice.

Conclusion

For the reasons set forth herein, this application is believed to be in condition for allowance, as the claims are believed to define patentably over the relevant prior art. Favorable consideration of this application is respectfully requested.

Respectfully submitted,

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Courtney J. Miller

Courtney J. Miller
Attorney for Applicant
Reg. No. 45,366
Calfee, Halter & Griswold LLP
1100 Fifth Third Center
21 East State Street
Columbus, Ohio 43215
(614) 621-7015
(614) 621-0010 (fax)